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PTO/SB/17 (08-03)
Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

\$130.00

Complete if Known

Application Number 10/696,959

Filing Date 10/30/2003

First Named Inventor Craig C. Hodges

Examiner Name M. Haghighatian

Art Unit 1616

Attorney Docket No. 00020.08CON

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

502731

Deposit Account Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below	Fee Paid
Total Claims	-20** =		
0	0	X	0.00
Independent Claims	-3** =	Fee from below	Fee Paid
0	0		
0	0	X	0.00
Multiple Dependent		Fee from below	Fee Paid

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\$0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

\$130.00

SUBMITTED BY

Name (Print/Type)

Elaine C. Stracker

Registration No.
(Attorney/Agent)

43,166

Complete (if applicable)

Telephone

650-687-3905

Signature

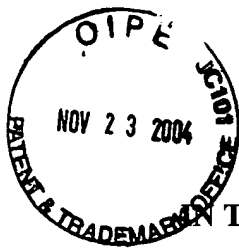
Date

November 23, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



11-24-04

PATENT
Docket: 00020.08CON

15 Feb

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HODGES, et al.

Serial No.: 10/696,959

Filing Date: 10/30/2003

Date: November 23, 2004

For: DELIVERY OF AEROSOLS CONTAINING SMALL PARTICLES THROUGH AN
INHALATION ROUTE

Petition for Correction of Filing Receipt

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER AND THE
DOCUMENTS REFERRED AS BEING ATTACHED OR
ENCLOSED HERewith ARE BEING DEPOSITED WITH
THE UNITED STATES POSTAL OFFICE ON Nov. 23, 2004.
AS EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO:
MAIL STOP PETITION, COMMISSIONER FOR PATENTS,
PO Box 1450, Alexandria, VA 22313-1450


Elaine C. Stracker

Dear Sir:

Applicants petition the Patent and Trademark Office to issue a corrected filing receipt for the above-identified non-provisional patent application. Applicants filed said application on October 30, 2003 claiming priority back to the original provisional 60/296,225 filed on 06/05/2001, as was indicated on the Application Data Sheet filed with the application (see attached copy attached).

At the time of filing, the instant application was a continuation of, and co-pending with, application 10/146,515 filed 5/13/2002. The USPTO issued a Filing Receipt on Feb. 11, 2004 for the instant application. This receipt correctly identified the instant application as a CON of 10/146,515 filed 10/13/2002, which was a CIP of 10/057,198 filed 10/25/2001 and a CIP of 10/057,197 filed 10/26/2001; however, the priority claim to the original provisional application 60/296,255 filed 06/05/01 was deleted.

On March 17, 2004, Applicants responded by filing a Request for Correction of Filing Receipt again noting that the instant application claimed benefit of the provisional application 60/296,255 (see attached.) On April 6, 2004, the USPTO responded by stating that the priority,

11/26/2004 AWONDAF1 00000037 502731 10696959

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which was claimed, was filed over a year prior to the filing date of this application (see Response to Request For Corrected Filing Receipt attached). While the original provisional application was filed more than a year before the instant application, the instant application is a continuation of a co-pending application, which properly claimed priority to the provisional application. Thus, a claim to priority to this provisional for the instant application is proper and was timely and properly filed in compliance with requirements under MPEP 201.11. Thus, Applicants respectfully request that a new Filing Receipt be issued that shows the correct priority information.

The Applicants accordingly request the Director to grant this petition and authorized the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 502731**. Applicants, however, believe that as this rejection to a petition to correct was improperly given, no fee should be necessary. In the event the Director agrees, applicants request refund of such fees to the Deposit Account above. If the Director, believes a telephonic discussion would expedite allowance or help to resolve outstanding issues, prosecution of the application, then the Examiner is invited to call the undersigned at (650) 687-3905. Please direct all correspondence to the following customer number: 37485.

Respectfully Submitted,



Elaine C. Stracker. Ph.D., J.D., Reg. No. 43,166
Intellectual Property Consultant.
Alexza Molecular Delivery Corporation
1001 East Meadow Circle
Palo Alto, CA 94303
TEL: (650) 687-3905
FAX: (650) 687-3999



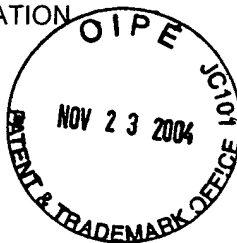
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/696,959	10/30/2003	Craig C. Hodges	00020.08CON

37485

ALEXZA MOLECULAR DELIVERY CORPORATION
 1001 EAST MEADOW CIRCLE
 PALO ALTO, CA 94303



CONFIRMATION NO. 8482



OC000000012289473

Date Mailed: 04/06/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

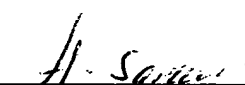
Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☒ The application(s) to which priority is claimed were filed over a year prior to the filing date of this

application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.

- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



PATENT
Docket: 00020.08CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HODGES, et al.

Serial No.: 10/696,959

Filing Date: 10/30/2003

Date: March 17, 2004

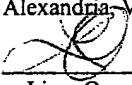
For: DELIVERY OF AEROSOLS CONTAINING SMALL PARTICLES THROUGH AN
INHALATION ROUTE

Request for Correction of Filing Receipt

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

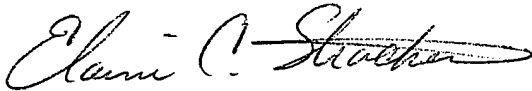
I HEREBY CERTIFY THAT THIS PAPER AND THE
DOCUMENTS REFERRED AS BEING ATTACHED OR
ENCLOSED HERewith ARE BEING DEPOSITED WITH
THE UNITED STATES POSTAL OFFICE ON March 17, 2004.
AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED
TO: COMMISSIONER FOR PATENTS, PO Box 1450,
Alexandria, VA 22313-1450


Lissa Oros

Dear Sir:

Applicants request that the Patent and Trademark Office issue a corrected filing receipt for the above-identified non-provisional patent application. The priority information is incorrectly listed in the filing receipt (as shown on the attached copy). Applicants respectfully request that a new Filing Receipt be issued that shows the correct priority information.

Respectfully Submitted,



Elaine C. Stracker. Ph.D., J.D., Reg. No. 43,166
Vice President of Intellectual Property
Alexza Molecular Delivery Corporation
1001 East Meadow Circle
Palo Alto, CA 94303
TEL: (650) 687-3905
FAX: (650) 687-3999



UNITED STATES PATENT AND TRADEMARK OFFICE


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/696,959	10/30/2003	1616	385	00020.08CON	14	17	1

CONFIRMATION NO. 8482

 37485
 ALEXZA MOLECULAR DELIVERY CORPORATION
 1001 EAST MEADOW CIRCLE
 PALO ALTO, CA 94303

FILING RECEIPT



OC000000011875541

Date Mailed: 02/11/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

 Craig C. Hodges, Walnut Creek, CA;
 Peter M. Lloyd, Walnut Creek, CA;
 Daniel Mufson, Napa, CA;
 Daniel D. Rogers, Oakland, CA;
 Martin J. Wensley, San Francisco, CA;

Assignment For Published Patent Application

Alexza Molecular Delivery Corporation, Palo Alto, CA;

Domestic Priority data as claimed by applicant

 This application is a CON of 10/146,515 05/13/2002 PAT 6,682,716
 which is a CIP of 10/057,198 10/26/2001
 and is a CIP of 10/057,197 10/26/2001

This application claims benefit of 60/296,225 06/05/01

Foreign Applications

If Required, Foreign Filing License Granted: 02/05/2004

Projected Publication Date: 05/20/2004

Non-Publication Request: No

Early Publication Request: No

 Docketed: *Correct Filing receipt*
 Reminder: *03/11/04*
 Final Due Date: _____

**** SMALL ENTITY ******Title**

Delivery of aerosols containing small particles through an inhalation route

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

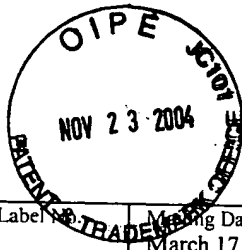
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Attorney's Docket No. 00020.08CON	Express Mail Label No. N/A	Mailing Date March 17, 2004	For PTO Use Only <i>Do Not Mark in This Area</i>
Application No. 10/696,959	Filing Date 10/30/2003	Attorney ECS	
Title of the Invention DELIVERY OF AEROSOLS CONTAINING SMALL PARTICLES THROUGH AN INHALATION ROUTE			
Applicant HODGES, et al.			
Enclosures Request for Correction of Filing Receipt (1 pp.) Corrected Copy of Filing Receipt (2 pp.)			

